

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 213

Introduced by Senator Battin

February 13, 2003

An act to amend ~~Sections 2800.2 and 2800.3~~ *Section 2800.2* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 213, as amended, Battin. Vehicles: pursued vehicles: punishment.

(1) Existing law makes it a misdemeanor punishable by imprisonment in a county jail for not *less than 6 months and not more than one year*, or a felony punishable by imprisonment in the state prison, or by a fine of not less than \$1,000 nor more than \$10,000, or by both the fine and imprisonment for a person who, while operating a motor vehicle, intentionally, evades, willfully flees, or otherwise attempts to evade a pursuing peace officer's motor vehicle or bicycle under certain conditions, and the pursued vehicle is driven in a willful or wanton disregard for *the safety of* persons or property.

This bill would ~~make the above offense exclusively a felony and would require the imposition of the fine~~ *require imprisonment in a county jail for one year, rather than not less than 6 months and not more than one year, if the court imposes imprisonment, upon a misdemeanor conviction.*

The bill would make it a felony punishable by imprisonment in the state prison, for 3, 5, or 7 years for a person to engage in the conduct described above by intentionally driving the pursued vehicle the wrong direction upon a roadway restricted to one-way traffic.

(2) Existing law makes it a misdemeanor punishable by confinement in a county jail for not more than one year or a felony punishable by imprisonment in the state prison for 3, 4, or 5 years or a fine of not less than \$2,000 nor more than \$10,000 for a person who commits the offense described in (1) above and proximately causes serious bodily injury, as defined, or death to any person.

~~This bill would make the above offense exclusively a felony and would require the imposition of the fine.~~

(3) By increasing the punishment for a certain ~~crime~~ *crime* and by creating a new crime, this bill would impose a state-mandated local program.

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2800.2 of the Vehicle Code is amended
2 to read:

3 2800.2. (a) (1) If a person flees or attempts to elude a
4 pursuing peace officer in violation of Section 2800.1 and the
5 pursued vehicle is driven in a willful or wanton disregard for the
6 safety of persons or property, the person driving the vehicle, upon
7 conviction, shall be punished by imprisonment in the state prison
8 ~~and a fine of not less than one thousand dollars (\$1,000) nor more~~
9 ~~than ten thousand dollars (\$10,000).~~ *or by imprisonment in a*
10 *county jail for one year.*

11 (2) *Whenever willful flight or attempt to elude a pursuing peace*
12 *officer in the manner described in paragraph (1) involves the*
13 *person driving the pursued vehicle intentionally driving in the*
14 *wrong direction upon a roadway restricted to one-way traffic, the*
15 *person driving that vehicle upon conviction shall be punished by*
16 *imprisonment in the state prison for three, five, or seven years.*

1 (3) *The court may also impose on a person convicted under*
2 *paragraph (1) or (2) a fine of not less than one thousand dollars*
3 *(\$1,000) nor more than ten thousand dollars (\$10,000), or may*
4 *impose both imprisonment and a fine.*

5 (b) For purposes of this section, a willful or wanton disregard
6 for the safety of persons or property includes, but is not limited to,
7 driving while fleeing or attempting to elude a pursuing peace
8 officer during which time either three or more violations that are
9 assigned a traffic violation point count under Section 12810 occur,
10 or damage to property occurs.

11 ~~SEC. 2. Section 2800.3 of the Vehicle Code is amended to~~
12 ~~read:~~

13 ~~2800.3. Whenever willful flight or attempt to elude a pursuing~~
14 ~~peace officer in violation of Section 2800.1 proximately causes~~
15 ~~death or serious bodily injury to any person, the person driving the~~
16 ~~pursued vehicle, upon conviction, shall be punished by~~
17 ~~imprisonment in the state prison for three, four, or five years and~~
18 ~~a fine of not less than two thousand dollars (\$2,000) nor more than~~
19 ~~ten thousand dollars (\$10,000).~~

20 ~~For purposes of this section, “serious bodily injury” has the~~
21 ~~same meaning as defined in paragraph (4) of subdivision (f) of~~
22 ~~Section 243 of the Penal Code.~~

23 ~~SEC. 3.—~~

24 ~~SEC. 2.~~ No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.